

TITLE 4**MUNICIPAL PERSONNEL****CHAPTER**

1. SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES.
2. LONGEVITY POLICY.
3. PERSONNEL REGULATIONS.
4. WORKING ON PRIVATE PROPERTY.
5. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
6. WRITTEN HAZARD DETERMINATION PROGRAM.
7. WRITTEN HAZARD COMMUNICATION PROGRAM.

CHAPTER 1**SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES****SECTION**

- 4-101. Policy and purpose as to coverage.
- 4-102. Necessary agreements to be executed.
- 4-103. Withholdings from salaries or wages.
- 4-104. Appropriations for employer's contributions.
- 4-105. Records and reports to be made.
- 4-106. Exclusions.

4-101. Policy and purpose as to coverage.¹ It is hereby declared to be the policy and purpose of the City of LaFollette to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1975 Code, § 1-701)

4-102. Necessary agreements to be executed. The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1975 Code, § 1-702)

¹A resolution dated February 7, 1955, of record in the city recorder's office, specifies that the city attorney is a covered employee.

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1975 Code, § 1-703)

4-104. Appropriations for employer's contributions. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1975 Code, § 1-704)

4-105. Records and reports to be made. The municipality shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1975 Code, § 1-705)

4-106. Exclusions. There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee and official in all departments of said city government in the following classifications of employees:

(1) An employee or official in a position the compensation for which is on a fee-basis;

(2) Elective officials engaged in rendering legislative services;

(3) Elective officials engaged in rendering executive services;

(4) Elective officials engaged in rendering "judicial" services.

There is also excluded from this chapter any authority to make any agreement with respect to any position or employee or official not authorized to be covered by applicable federal-state laws and regulations. (1975 Code, § 1-706)

CHAPTER 2

LONGEVITY POLICY

SECTION

4-201. Purpose.

4-202. Limitations.

4-203. Funding for longevity pay.

4-201. Purpose. The City of LaFollette provides its employees, as a fringe benefit, and to promote longevity in service with the City of LaFollette, \$100 for each year of service completed in city service. (Ord. #589, Nov. 1997)

4-202. Limitations. Longevity pay shall be paid to each employee on the employee's anniversary date of employment. Employees who retire on the state's retirement system shall be paid on a prorata basis for a part of a year that is beyond the employee's anniversary date of employment. Prorate payment for part of a year shall not be paid to any employee who is not retiring on the state's retirement system. (Ord. #589, Nov. 1997)

4-203. Funding for longevity pay. The continuation of longevity pay shall be evaluated annually by the mayor and city council, and shall always be subject to availability of funds. (Ord. #589, Nov. 1997)

CHAPTER 3

PERSONNEL REGULATIONS

SECTION

- 4-301. General purpose.
- 4-302. Definitions.
- 4-303. Coverage.
- 4-304. Administration.
- 4-305. Classification plan.
- 4-306. Pay plan.
- 4-307. Recruitment and employment.
- 4-308. Examinations.
- 4-309. Promotions.
- 4-310. Appointments.
- 4-311. Hours of work and attendance.
- 4-312. Call out policy.
- 4-313. Outside employment.
- 4-314. Pecuniary interests.
- 4-315. Political activity.
- 4-316. Holiday leave.
- 4-317. Annual leave.
- 4-318. Sick leave.
- 4-319. Leave with pay.
- 4-320. Leave without pay.
- 4-321. Nepotism.
- 4-322. Prohibitions.
- 4-323. Separation and disciplinary action.
- 4-324. Grievance procedure.
- 4-325. Basic training.
- 4-326. In-service training.
- 4-327. Employee evaluation.
- 4-328. Retirement.
- 4-329. Records and reports
- 4-330. Status of present employees.
- 4-331. Care of equipment.
- 4-332. Reporting of status of driver's license.
- 4-333. Amendment of personnel rules.

4-301. General purpose. It is the purpose of this chapter to establish a fair and uniform system of personnel administration for all employees of the City of LaFollette in order that the most effective services possible may be delivered to the citizens of the community in keeping with the social and economic needs of the citizens.

In order that this purpose may be accomplished, it shall be the policy of the City of LaFollette that:

(1) Employment shall be based on merit and fitness, without regard to race, religion, national origin, political affiliations, sex or age.

(2) Just and equitable incentives and conditions of employment shall be established and maintained.

(3) Tenure of employees covered by this chapter shall be subject to good behavior, satisfactory work, necessity for the performance of work, and availability of funds. (1975 Code, § 1-801)

4-302. Definitions. As used in this chapter the following quoted words and terms shall have the meanings enumerated hereinafter:

- "Municipality" or "city" shall mean the City of LaFollette.
- "Governing body" shall mean the city council vested with power to enact ordinances and resolutions for the City of LaFollette.

The following definitions shall apply in these regulations, unless the context clearly indicates otherwise:

(1) "Absence without leave." An absence from duty which was not authorized or approved.

(2) "Appeals." Procedures as prescribed by these regulations for appealing disciplinary actions, employee-valuations and other individual grievances.

(3) "Applicant." An individual who has or is applying in writing on a city application form for employment with the City of LaFollette.

(4) "Appointment." The offer to and acceptance by a person of a position either on a regular or temporary basis.

(5) "Certification." Endorsement as meeting required minimum standards for a vacant position.

(6) "Class." A group of positions which are sufficiently alike in general duties and responsibilities to warrant the use of the same title, class specifications and pay range.

(7) "Class specification." A written description of a class consisting of a class title, a general statement of the level of work and of the distinguishing features of work, examples of duties, and desirable qualifications for the class.

(8) "Classification." The act of grouping positions in classes with regard to:

- (a) Duties and responsibilities;
- (b) Requirements as to education, knowledge, experience, and ability;
- (c) Tests of fitness; and
- (d) Ranges of pay.

(9) "Classification plan." The official or approved system of grouping positions into appropriate classes consisting of:

- (a) An index to the class specifications;
 - (b) The class specifications; and
 - (c) Rules for administering the classification plan.
- (10) "Classified services." The classified service shall include positions in the city service except those listed under exempt service.
- (11) "Compensation plan." The official schedule of pay approved by the governing body assigning one or more rates of pay (pay range) to each class title.
- (12) "Compensatory leave." Time off from work in lieu of monetary payment for overtime worked.
- (13) "Demotion." Assignment of an employee from one class to another which has a lower maximum rate of pay and rank.
- (14) "Department." The primary organizational unit which is under the immediate charge of a department head who reports directly to the city administrator.
- (15) "Disciplinary action." Action which may be taken by a department head when an employee fails to follow the departmental rules and regulations or the personnel administration sections of the LaFollette code. The type of disciplinary actions are oral reprimand, written reprimand, suspension, demotion and dismissal.
- (16) "Dismissal." A type of disciplinary action which separates an employee from the city payroll.
- (17) "Employee." An individual who is legally employed by the city and is compensated through the city payroll for his services. Synonymous with "incumbent."
- (18) "Employee counseling." The program of counseling employees on what can be done to assist the employees in becoming more effective on and off the job. Relates to employee evaluation and employee improvement.
- (19) "Employee development." The interaction of employee counseling, employee evaluation and employee improvement.
- (20) "Employee evaluation." The system for evaluating employees' performance. Relates to employee improvement and employee counseling.
- (21) "Employee improvement." All types of training and educational programs that improve the quality of service of the employee and improve his chances for advancement. Relates to employee evaluation and employee counseling.
- (22) "Examination." The process of testing, evaluating, or investigating the fitness and qualifications of applicants and employees.
- (23) "Exempt service." Those positions not included in the classified service as defined in these personnel rules and regulations.
- (24) "Grievance." An employee's feeling of differences, disagreements or disputes arising between an employee and his supervisor relative to some aspect of his employment, application or interpretation of regulations and policies or some management decision affecting him.

(25) "Immediate family." Spouse, children, brother, sister, mother, father, mother and father-in-law, grandparents.

(26) "Layoff." The involuntary nondisciplinary separation of an employee from a position because of shortage of work, materials or funds.

(27) "Leave." An approved type of absence from work as provided for by these rules.

(28) "Maternity leave." The excused absence without pay for a period of time not to exceed six (6) months for the purpose of childbirth.

(29) "Merit pay increases." An increase in compensation established in the compensation plan which may be granted to an employee for meritorious service and completion of minimum prescribed periods of employment in the class.

(30) "Military leave, reserve." The period of fifteen (15) working days or less per calendar year granted to employees who are members of a reserve military component.

(31) "Overtime." Authorized time worked by an employee in excess of his normal working hours or work period.

(32) "Overtime pay." Compensation paid to an employee for overtime work performed in accordance with federal regulations and these rules.

(33) "Pay rate." A specific dollar amount, expressed as either an annual rate, monthly rate, or hourly rate, as shown in the pay plan.

(34) "Position." Any office or employment, whether occupied or vacant, full-time or part-time, consisting of duties and responsibilities assigned to one individual by competent authority.

(35) "Probationary period." The designated period of time after an applicant is appointed or an employee is promoted in which the employee is required to demonstrate his fitness for the position by actual performance.

(36) "Promotion." Assignment of an employee from one class to another which has a higher maximum rate of pay and rank.

(37) "Reclassification." The classification action of a position by classifying it upward, downward or to a different classification on the basis of sufficient changes in the kind, development or responsibilities of work assigned to the position.

(38) "Reprimand" is a serious type of disciplinary action, in writing, denoting a violation of personnel regulations which becomes a part of the employee's personnel record for one year.

(39) "Seniority." Length of service with the city as a regular employee in the classified service.

(40) "Suspension." An enforced leave of absence for disciplinary purposes or pending investigation of charges made against an employee.

(41) "Sick leave." An absence approved by the department head or supervisor due to non-occupational illness or injury.

(42) "Supervisor." Any individual having authority on behalf of the city to assign, direct or discipline other employees, if the exercise of such

authority is not of a mere routine or clerical nature, but requires the use of independent judgment.

(43) "Temporary employee." An employee holding a position other than permanent, which is of a temporary, seasonal, casual or emergency nature.

(44) "Transfer." Assignment of an employee from one position to another position. Transfers can take place within a department, between departments, between positions of a different class.

(45) "Work day or work period." Scheduled number of hours an employee is required to work per day or per scheduled number of days. (1975 Code, § 1-802, as amended by Ord. #584, Sept. 1997)

4-303. Coverage. All offices and positions of the city are divided into the classified service and the exempt service. The exempt service shall include the following:

- (1) All elected officials and persons appointed to fill vacancies in elective offices.
- (2) The city administrator and direct assistant(s) thereto.
- (3) All members of appointive boards, commissions or committees.
- (4) City attorney and assistant city attorneys.
- (5) Consultants, - advisors and counsel rendering temporary professional service.
- (6) Independent contractors.
- (7) Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as extraordinary fire, flood or earthquake which threatens life or property.
- (8) Seasonal employees who are employed by the city for not more than three months during the fiscal year.
- (9) Persons rendering part-time service paid by the hour or day.
- (10) Volunteer personnel, such as volunteer firemen; and all other personnel appointed to serve without compensation.
- (11) Employees of the utility or municipal hospital, unless the utility board or hospital board requests that they be covered.

The following sections of this chapter apply only to the classified service unless otherwise specifically provided or necessarily implied. The classified service shall include all other full-time positions in the city service which are not specifically placed in the exempt service in this section. (1975 Code, § 1-803)

4-304. Administration. The city administrator or his delegated representative, shall have the basic responsibility for the personnel program as set forth in this chapter. In addition to other duties as set forth in this chapter, the city administrator shall:

- (1) Exercise leadership in developing a system of effective personnel administration within the municipal departments subject to this chapter.
 - (2) Develop programs for improvement of employees effectiveness, including training, safety and health.
 - (3) Recruit qualified applicants for city employment and assist department heads in identifying qualified employees for promotion.
 - (4) Maintain records of all employees of the municipal departments.
 - (5) Maintain the classification plan.
 - (6) Maintain and recommend a pay plan for all city employees for the governing body approval.
 - (7) Establish and maintain employees improvement programs.
 - (8) Perform other such duties as may be assigned by the city council.
- (1975 Code, § 1-804)

4-305. Classification plan. (1) Purpose. The classification plan provides a complete inventory of all positions in the city's service and an accurate description and specification for each class of employment. The plan standardizes titles, each of which is indicative of a definite range of duties and responsibilities and has the same meaning throughout the classified service.

(2) Composition of the classification plan. The classification plan shall consist of: A grouping in classes of positions which are approximately equal in difficulty and responsibility, which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions; class titles, descriptive of the work of the class, which identify the class; and written specifications for each class of positions.

(3) Use of class titles. Class titles are to be used in all personnel, accounting, budget, appropriation, and financial records. No person will be appointed or employed in a position in the city service under a title not included in the classification plan.

(4) Use of class specifications. Specifications are to be interpreted in their entirety and in relation to others in the classification plan. Particular phrases or examples are not to be isolated and treated as a full definition of the class. Specifications are deemed to be descriptive and explanatory of the kind of work performed and not necessarily inclusive of all duties performed.

(5) Use of the classification plan. The classification plan is to be used: As a guide in recruiting and examining candidates for employment; in determining lines of promotion and in developing employee training programs; in determining salaries to be paid for various types of work; in determining personal service items in departmental budgets; and in providing uniform job terminology understandable by all city officers and employees and by the general public.

(6) Administration of the classification plan. The city administrator is charged with maintenance of the classification plan so that it will reflect the

duties performed by each employee in the classified service and the class to which each position is allocated. It is his duty to examine the nature of the classes in conformity with this rule; to make such changes in the duties and responsibilities of existing positions; and periodically to review the entire classification plan and recommend appropriate changes in allocation or in the classification plan. (1975 Code, § 1-805)

4-306. Pay plan. The pay plan shall be established and maintained which will consist of minimum and maximum rates of pay and intermediate steps for each existing pay grade (position classification as adopted by the city council).

(1) Maintenance of pay plan. The pay plan is intended to provide fair compensation for all classes in the classification plan in consideration of range of pay for other classes, general rates of pay for similar employment in private establishments and other public jurisdictions in the area, cost of living data, the financial condition of the city, and other factors. To this end, the city administrator will from time to time make comparative studies of all factors affecting the level of salary ranges and will recommend to the city council such changes in salary ranges as appear to be in order. Such adjustments will be made by increasing or decreasing the salary ranges the appropriate number of steps as provided in the basic salary schedule, and the rate of pay for each employee will be adjusted an appropriate number of steps in conformance with the adjustment of the salary range for the class as approved by the city council.

(2) Use of salary ranges. Salary ranges are intended to furnish administrative flexibility in recognizing individual differences among positions allocated to the same class, in providing employee incentive, and in rewarding employees for meritorious service. The following general provisions shall govern the granting of salary range increase:

The minimum rate established for the class is the normal hiring rate, except in those cases where unusual circumstances (such as inability to fill the position at the hiring rate or exceptional qualifications of an applicant) appear to warrant employment of an employee at a higher rate in the pay range. If the city department head desires to appoint an applicant to start at a salary above the minimum he will submit a written justification to the city administrator for approval. Such appointments shall be made only in exceptional cases as decided by the city council.

Merit salary increases are not automatic and may be granted at the end of six (6) months and every twelve (12) months thereafter until the employee reaches the maximum of his pay grade for the class in which he is employed. Merit increases shall be calculated from the effective date of employment or promotion.

Merit salary increases will be granted only recognition of improved or superior performance and by written recommendation of the employee's department head and city administrator.

Any person on his original appointment to a position shall be deemed probationary during the first six (6) months of employment. An additional probationary period of up to six (6) months may be requested by the department head with approval of the city administrator. No employee shall serve more than one (1) year on a probationary basis.

(3) Pay rates, promotion, demotions, transfer or reclassification. The following pay rates shall be effective in relation to promotion, demotion, transfer and reclassification.

When an employee is promoted to a position in a higher pay grade his salary shall only be advanced to the next step rate in the pay range which would provide at least the equivalent of the next merit increase in the range from which he was promoted.

When a regular employee is demoted to a position for which he is qualified, his salary shall be set at the step rate in the lower pay range which provides the smallest decrease in pay, if the action is not for cause; or any appropriate step rate in the lower range that is less than the existing salary if the action is for cause. However, in no case shall the employee's salary be lower than the minimum rate of the new salary range.

When an employee is transferred from a position of one class to the position of another class of the same level, he shall continue to be paid at the same step rate.

The salary of an employee whose position is reclassified and allocated to another class in the same or higher level shall be determined by the rules for transfer and promotion. The salary of an employee whose position is reclassified and allocated to another class at a lower level shall not be changed.

(4) Pay for part-time work. When employment is on a part-time basis, only the proportioned part of the rate for the time actually employed will be paid.

(5) Hourly rates. If certain employees are paid on an hourly rate basis, such employees will be paid only for time actually worked except that employees called in or reporting for work shall be guaranteed pay for a minimum of four hours work.

(6) Reinstatement. Are-employed or reinstated employee will be paid at a salary rate within the approved salary range for the position in which he is reinstated and shall be at a step comparable to the one previously held, provided separation was no discredit to the employee and was not for disciplinary reasons. An employee can be reinstated with the recommendation of the department head and the approval of the city administrator provided: His former position, or a similar position, is vacant; he makes application for reinstatement within two (2) years of the date of his resignation; he still is qualified to perform the duties of his former position or a similar position.

(7) Overtime. Overtime may be authorized by prior approval of the department head or city administrator, except in the case of an emergency. Employees required to work overtime will be compensated with time off, preferably within the same work period, or paid for such overtime on the basis of one and one-half (1 1/2) times the overtime hours worked. (1975 Code, § 1-806)

4-307. Recruitment and employment. (1) Eligibility. Individuals shall be recruited from a geographic area as wide as is necessary to assure obtaining well-qualified applicants for the various types of employment positions; recruitment, therefore, shall not necessarily be limited to residents of LaFollette; however, in cases where residents and non-residents are equally qualified for positions presently vacant, the resident shall receive first consideration in filling such vacancies.

(2) Notification. The city administrator shall prepare recruiting notices to publicize vacancies and to secure applicants for vacant positions. Such various media of publicity shall be used as might be expected to bring notice of vacancies to as many qualified persons as possible.

(3) Acceptance of applicants. Application for employment shall be accepted at any time. As a result of a single application, an applicant shall be considered for all classes of positions in which his principal qualifications might profitably be used. Each applicant for municipal employment shall make application in the manner prescribed by the city administrator. Such information may be required as is deemed necessary in order to judge the applicant's fitness.

(4) Minimum qualifications. The city administrator may, after consultation with the department head concerned, prescribe minimum qualifications as required by the nature of the work to be performed. Such requirements shall be announced to all applicants.

(5) Rejection of applicants. The city administrator, under the direction of the city council, shall reject any application or applicant when he has determined: That the application was not filed within the period specified in the examination announcement or was not filed on the prescribed form; that the applicant does not possess the minimum qualifications; that the applicant has established an unsatisfactory employment or personnel record (as evidenced by reference check) of such nature as to demonstrate unsuitability for employment; that the applicant has made false statement of any material fact or has practiced deception in his application; that the applicant is afflicted with any mental or physical disqualifying disease or defect that would prevent satisfactory performance of his duties; that the applicant is addicted to the habitual use of drugs or intoxicants; that the applicant does not reply to a mail inquiry within ten (10) days or does not return a telephone inquiry within two (2) days, and fails to accept appointment within the time prescribed in the offer; that the applicant was previously in the city service and was removed for

cause or resigned not in good standing. All disqualified applicants shall be notified to that effect immediately. (1975 Code, § 1-807)

4-308. Examinations. Recruitment by examination. All appointments in the classified service shall be made according to merit and fitness (§ 4-305) and may be subject to competitive examination. All such examinations shall be either assembled or unassembled as provided for in these rules and shall fairly and impartially test those matters relative to the capacity and fitness of the applicant to discharge efficiently the duties of the positions to be filled.

(1) Types of examinations. The fitness test held to establish a list of eligibles for any class shall consist of one or more of the following parts as determined by the city administrator, or his designated representative.

(a) Written test. This part, when required, shall include a written demonstration designed to show the familiarity of applicants with the knowledge involved in the class to which they seek appointment.

(b) Oral interview. This part, when required, shall include a personal interview with applicants for classes where ability to deal with others, to meet the public, or other personal qualifications are to be evaluated. An oral test may also be used in examinations where a written test is unnecessary or impractical.

(c) Performance tests. This part, when required, shall include such tests of performance or trade as would determine the ability and manual skills of applicants to perform the work involved.

(d) Physical test. This part, when required, shall consist of tests of bodily conditions, muscular strength, agility, and physical fitness of applicants. This may be given a weight in the examination or may be used in excluding from further examination applicants who do not measure up to the job-related required standards.

(e) Mental test. This part, when required, shall include any test to determine mental alertness, general capacity of applicants to adjust their thinking to new problems, or to ascertain special character traits and aptitudes.

(f) Training and experience. This part, when required, shall be obtained and evaluated from statements of education and experience contained in the application form or from such supplementary data as may be required.

(2) Rating examinations. Appropriate scientific techniques and procedures shall be used in rating the results of examinations in determining the relative ranking of the applicants.

(3) Veteran's preference. Preference points for veterans as defined in the Tennessee Statutes (Chapter 32, Section 8-3206) will be added to passing final examination scores as follows: Veterans -- 5 points; Disabled Veterans -- 10 points.

(4) Medical examinations. The following provisions shall apply to medical examinations: Applicants for positions in the city service may be required to undergo a medical examination to determine physical and mental fitness to perform work in the position to which appointment is to be made. All employees of the city during their period of employment may be required by their department head with the approval of the city administrator to undergo periodic medical examinations to determine their physical and mental fitness to perform the work of the position in which they are employed. Such periodic medical examinations shall be at no expense to the employee. Determination of physical or mental fitness will be by a physician or physicians designated by the city administrator.

When an employee of the city is reported by the examining physician to be physically or mentally unfit to perform work in the position which he is employed, such employee may, within five (5) days from the date of his notification of such determination by the examining physician, indicate in writing to the city administrator his intention to submit the question of his physical or mental unfitness to a physician of his own choice. In the event there is a difference of opinion between the examining physician and the physician chosen by the employee, then a physician shall be mutually designated by the examining physician and the physician chosen by the employee, whose decision shall be final and binding as to the physical or mental fitness of the employee to perform the work of the position in which he is employed. The city shall pay its physician; the employee shall pay his physician; and the third physician shall be paid by the loser.

Applicants determined to be physically or mentally unfit for service shall not be considered for appointment. An employee finally determined to be physically or mentally unfit to continue in the position in which he is employed may be demoted in accordance with these rules or separated from the city service. (1975 Code, § 1-808)

4-309. Promotions. Vacancies in positions above the entrance shall be filled by promotion whenever in the judgement of the city administrator it is in the best interest of the city to do so, and promotions shall be on a competitive basis and shall give appropriate consideration to the applicants performance ratings, qualifications and seniority. (1975 Code, § 1-809)

4-310. Appointments. All vacancies in the classified service shall be filled by re-employment, promotional appointment, original appointments, provisional appointment, transfer or demotion.

(1) Emergency appointments. In an emergency, the city administrator may authorize the appointment of any qualified person in the position to prevent stoppage of public business or loss or serious inconvenience to the public. However, a vacancy of which the department head has had reasonable notice, or an employment condition of which he had, or might with

due diligence have had previous knowledge, shall not be considered an emergency under this section. Emergency appointments shall be limited to a period not to exceed thirty (30) days in any 12-month period.

(2) Student appointment. Upon the recommendation of the city administrator, students majoring in fields of value to the city, from qualified cooperating educational institutions, may be employed on an "internship" basis for a specified period of time, not to exceed 12 months.

(3) Transfers. Any employee in the classified service who has successfully completed his probationary period may be transferred to the same or similar position in a different department without being subject to a probationary period. Transfer of an employee from one position to another without significant change in level may be effective when the employee meets the qualification requirements for the new position, if it is in the best interests of the city, if further training and development of an employee in another position would be beneficial to the future staffing potential of the city, and if it meets the personal need of the employee as consistent with the other requirements of this rule.

(4) Demotions. An employee may be demoted to a position of lower grade for which he is qualified for any of the following reasons: Because his position is being abolished and he would otherwise be laid off; there is a lack of funds; or because another employee, returning from authorized leave granted in accordance with rules on leave, will occupy the positions to which the employee is currently assigned; the employee does not possess the necessary qualifications to render satisfactory service in the position he holds, or he is removed during probation; or the employee voluntarily requests such demotion. Such demotions are to be in reverse order of seniority.

(5) Probationary period. The probationary, or working test period, shall be regarded as an integral part of the examination process, and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new or promoted employee to his position, and for rejecting any employee whose performance does not meet standards.

The probationary period for all regular appointments, including promotional appointments, shall be for a period of six (6) months or one (1) year for entrance level uniformed police and fire personnel.

Periodically, during the probationary period, the city administrator shall require the department head to report his observation of the employee's willingness and ability to perform his duties satisfactorily. During the probationary period, the employee's supervisor will tell the employee when he is not performing satisfactorily and is not meeting probationary test period requirements.

At least ten (10) days prior to the expiration of an employee's probationary period, the department head shall notify the city administrator whether the service of the employee has been satisfactory and whether he

recommends that the employee continue in his position. A copy of such notice shall be given to the employee. (1975 Code, § 1-810)

4-311. Hours of work and attendance. (1) The mayor and city council shall establish hours of work per week for each non-exempt employee of the City of LaFollette.

(2) All non-exempt employees shall be in attendance at regular work in accordance with these rules and with general departmental regulations. All departments shall keep daily attendance records of their employees, which shall be reported to the city administrator on the dates he shall specify.

(3) All employees who are exempt from the provisions of the Fair Labor Standards Act are paid for the job that they perform and are expected to work whatever number of hours necessary to do the job. (Ord. #597, Jan. 1998)

4-312 . Call out policy. Certain employees take city owned vehicles home with them at night and may be called out for an emergency. Under no circumstance will any employee respond to a call out to work for emergencies in a city owned vehicle while under the influence of alcohol or non-prescription drugs. Every employee who takes a city owned vehicle home must sign a statement indicating that the employee understands this policy and that he/she agrees not to respond to a call out in a city owned vehicle while under the influence of alcohol or non-prescription drugs. (Ord. #597, Jan. 1998)

4-313. Outside employment. No employee of the city may engage in additional employment outside the official hours of duty unless approved by the city administrator. (1975 Code, § 1-813)

4-314. Pecuniary interests. No officer or employee of the city shall have any financial interests in the profits of any contract, service, or other work performed by the city; or shall personally profit directly or indirectly from any contract, purchase, sale, or service between the city and any person or company; or personally or as an agent provide any surety, bail, or bond required by law or subject to approval by the city council. No officer or employee shall accept any free or preferred services, benefits, or concessions from any person or company. Any official or employee who violates the provisions of this section shall be guilty of misconduct in his service. (1975 Code, § 1-814)

4-315. Political activity. In accordance with these rules creating and establishing a personnel system, appointed officials and all employees in the classified service shall not seek or accept election to public office; accept nomination or appointment as an officer of a county or municipal political

campaign without the approval of the city administrator and the city council. (1975 Code, § 1-815)

4-316. Holiday leave. The following legal holidays shall be observed by the city's employees: New Year's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day, and such other days as may be designated by the governing body. When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday shall be observed as a holiday for city employees.

Where possible, every city employee shall be given approved holidays as set out in this section. When an employee must work on one of these holidays, he shall receive equivalent time off or, if necessary, double pay for time worked. Firemen shall be paid an extra eight hours for holiday shifts worked. In all cases, department heads shall attempt to arrange working schedules to permit time off for holidays in preference to extra pay. In order to receive pay for an observed holiday, an employee must not have been absent without leave either on the work day before or the day after the holiday. (1975 Code, § 1-816)

4-317. Annual leave. All permanent employees who have been continuously employed for a period of one (1) year or longer shall be credited with earned vacation leave in accordance with the following schedule:

| <u>Completed Service</u> | <u>Vacation Credit - Per Year</u> |
|----------------------------------|-----------------------------------|
| After 1 year | 2 weeks |
| After 10 years | 3 weeks |
| After 1 year (fire department) | 5 shifts |
| After 10 years (fire department) | 7 shifts |

The above schedule and credits are for uninterrupted service computed from the most recent date of continuous employment. Employees shall accrue vacation leave from their employment date, but shall not be entitled to take vacation until they have completed one (1) full year of service. Vacation leave may be taken as earned subject to the approval of the department head who shall schedule vacations so as to meet the operational requirements of the department. Employees may accrue, with the approval of the department head and city administrator, vacation leave to a maximum of the leave earned in one (1) employment year. Employees resigning voluntarily and who give reasonable notice of intention to resign will receive any vacation credit earned as of the date of resignation. Part-time and temporary employees shall not be entitled to vacation leave except when approved by the city administrator. (1975 Code, § 1-817)

4-318. Sick leave. Sick leave with pay shall be granted to all full-time employees, except emergency employees, at the rate of one (1) working day for each completed month of service (six (6) shifts for fire personnel annually). Sick leave shall be computed on an employment year basis, and there shall be no maximum sick leave accrual amount. Sick leave with pay shall be granted for the following reasons: personal illness or physical incapacity resulting from causes beyond the employee's control; illness of a member of the employee's household that requires the employee's personal care and attention; enforced quarantine of the employee in accordance with community health regulations; or to keep a doctor appointment.

Sick leave shall not be considered as a right which an employee may use at his discretion, but rather as a privilege.

When an employee is absent due to reasons as provided in this section in order to be granted sick leave with pay he must meet the following conditions: Notify his immediate supervisor prior to the beginning of the scheduled work day of the reason for absence; present, if required by the department head evidence of such medical examination or nursing visit or inquiry as these officials deem advisable; submit, if required by the department head, a medical certificate signed by a licensed physician certifying that the employee has been incapacitated for work for the period of absence, the nature of the employee's sickness or injury, and that he is again physically able to perform his duties. This provision is applicable only if the period of absence is three (3) days or longer (one shift in case of fire department).

Sick leave may be taken as necessary, but may not be extended or overdrawn beyond the accrual at the time of absence. Provided, however, that at the request of the employee any current accrued vacation balance may be applied and extended as though it were sick leave, but only in the event of extended illness. Claiming sick leave when physically fit shall be grounds for discharge. (1975 Code, § 1-818)

4-319. Leave with pay. Leave with pay may be authorized in order that regular employees may serve required jury duty, provided that such leave is reported in advance to the supervisor. In order to receive pay for such leave, the employee must deposit the money which he receives for jury duty with the city treasurer.

Leave with pay not to exceed two (2) working days in any calendar year may be authorized in case of death within the employee's immediate family. In the event that the death in the employee's immediate family requires an out-of-town trip, the city administrator may authorize up to an additional two (2) days leave which shall be counted against the employee's accrued sick leave credits.

A regular employee who has completed his probationary period and who is a member of any reserve component of the United States Armed Forces will be allowed leave of absence with pay for a period not in excess of fifteen (15)

any appointment or promotion, or any advantage in, a position in the classified service.

Any officer or employee who violates any of the provisions of this section shall forfeit his office or position. (1975 Code, § 1-821)

4-323. Separation and disciplinary action. All separations of employees from positions in the classified service shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, layoff, disability, death, retirement and dismissal. At the time of separation and prior to final payment, all records, assets, and other items of city property in the employee's custody shall be transferred to the department head and certification to this affect shall be executed. Any amount due to a shortage in the above shall be withheld from the employee's final compensation.

(1) Resignation. An employee may resign by submitting in writing the reasons and the effective date, to his department head as far in advance as possible, but a minimum of two (2) weeks notice is requested. Failure to comply with this requirement may be cause for denying future employment with the city. Unauthorized absence from work for a period of three (3) consecutive days may be considered by the department head as a resignation. Department heads shall forward all notices of resignation to the city administrator immediately upon receipt.

(2) Lay-off. The city administrator, upon approval from the city council, may lay-off an employee in the classified service when he deems it necessary by reason of shortage of funds or work, the abolition of a position, or other material changes in the duties or organization, or for related reasons which are outside the employee's control and which do not reflect discredit upon service of the employee. Whenever the lay-off of one or more employees shall become necessary, the city administrator shall notify the department head at least ten (10) days in advance, of the intended action and the reason. The department head shall thereupon furnish to the city administrator the names of the employees to be laid off, in the order in which such lay-offs shall be effected. Temporary employees shall be laid off prior to probationary or regular employees. The order of lay-off shall be in reverse order to total continuous time served upon the date established for the lay-off to become effective.

(3) Disability. An employee may be separated for disability when he cannot perform required duties because of a physical or mental impairment. Action may be initiated by the employee or the city, but in all cases it must be supported by medical evidence acceptable to the city council. The city may require an examination at its expense and performed by a licensed physician of its choice.

(4) Retirement. Whenever an employee meets the conditions set forth in the pension retirement plan regulations, he may elect to retire and receive

calendar days during one (1) year (as stated in Tennessee Code Annotated, § 8-33-109). (1975 Code, § 1-819)

4-320. Leave without pay. A regular employee may be granted a leave of absence without pay for a period not to exceed one (1) year for temporary sickness, disability or for other good and sufficient reasons which are considered to be controlling. Such leaves shall require the prior approval of the city administrator and the governing body. A department head, with the approval of the city administrator, may grant a regular employee leave without pay for a period not in excess of fifteen (15) calendar days in any one (1) calendar year. An employee will not accrue sick leave or vacation credit while on leave of absence without pay.

Maternity leave may be granted regular employees. Accrued sick leave may be used, as well as annual leave, if the employee so elects during the excused absence period. (1975 Code, § 1-820)

4-321. Nepotism. The City of LaFollette shall not show favoritism in recruitment or employment of employees nor in their supervision. Immediate family members of the mayor, a member of city council, the city administrator, or a department head, may not be employed by the City of LaFollette, unless no other qualified applicants are available. Immediate family means spouse, mother, father, grandparents, grandchildren, guardian, step-mother, step-father, step-brother, step-sister, brother, sister, half-brother, half-sister, child or step-child, mother-in-law, brother-in-law, or sister-in-law, aunts, uncles, nephews, and nieces. (Ord. #575, March 1997, as replaced by Ord. #98-3, April 1998)

4-322. Prohibitions. No person shall be appointed to or promoted to, or demoted or dismissed from any position in the classified service, or in any way be favored or discriminated against with respect to employment in the classified service because of race, religion, national origin, political affiliation, sex or age.

No person shall seek or attempt to use any political endorsement in connection with any appointment to a position, or demotion or dismissal from a position in the classified service.

No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or to attempt to secure for any person an appointment to a position in the classified service, or any increase in wages or other advantage in employment in such position, for the purpose of influencing the vote or political action of any person, or for any other consideration.

No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for or on account of

all benefits earned in the city's retirement plan (Tennessee Consolidated Retirement System).

(5) Disciplinary action. Whenever employee performance, attitude, work habits, or personal conduct fall below a desirable level, supervisors shall inform employees promptly and specifically of such lapses and shall give them counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action. In some instances, a specific incident in and of itself may justify severe initial disciplinary action; however, the action to be taken depends on the seriousness of the incident and the whole pattern of the employee's past performance and conduct.

In situations where an oral warning has not resulted in the expected improvement, or when more severe initial action is warranted, a written reprimand may be sent to the employee, and a copy shall be placed in the employee's personnel folder.

An employee may be suspended without pay by his department head, with the approval of the city administrator, for reasons of misconduct, negligence, inefficiency, insubordination, disloyalty, unauthorized absence, or other justified reasons when alternate personnel actions are not appropriate for such length of time as the city administrator considers appropriate, but not to exceed thirty (30) days in any twelve (12) months period. A written statement of the reason for suspension shall be submitted to the employee affected at least twenty-four (24) hours prior to the time the suspension becomes effective. A regular employee in the classified service may be suspended by the city administrator without pay for a longer period pending the investigation or hearing of any charges against him. An employee determined to be innocent of the charges against him shall be returned to duty with full pay for the period of suspension.

(6) Dismissal. The city administrator, under the direction of the governing body, may dismiss or demote any employee for the good of the city service. Reasons for dismissal may include, but shall not be limited to: Incompetency or inefficiency in the performance of duties; conviction of a criminal offense or of a misdemeanor involving moral turpitude; violations of any lawful and reasonable regulation, order or direction made or given by a superior officer; or insubordination that constitutes a serious breach of discipline; public intoxication or drinking any intoxicating beverages while on duty; being addicted to the use of narcotics or being under the influence of a drug or narcotic while on duty; theft, destruction, carelessness or negligence in the use of the property of the city; disgraceful personal conduct or language toward the public, toward fellow officer or employees, or abusive public criticism of his superior or other public officials; unauthorized absences or abuse of leave privileges; incapacity for proper performance of duties because of a permanent or chronic physical or mental defect; acceptance of any valuable consideration which was given with the expectation of influencing the employee

in the performance of his duties; falsification of records or use of official position for personal advantage; failure to pay or to make reasonable provision for the future payment of just debts; loss of an employee's driver's license and driving privileges by due process of law when the employee's position makes the operation of a motor vehicle necessary in the performance of his duties; violation of any of the provisions of the charter, ordinances, or these rules.

The employee shall be furnished an advanced written notice containing the nature of the proposed action, the reasons therefore and his right to answer the charges in writing. This notice shall be furnished at least one (1) calendar week prior to the proposed effective date of the action after receiving notice, but prior to the date of transmittal; the employee may be retained in duty status, on leave, or suspended with or without pay at the discretion of the city administrator. If the employee fails to respond to the advance notice, the proposed action of the city administrator shall be effective on the date specified with no need for further action. Otherwise, the city administrator shall carefully consider the appeal of the employee before making a final decision. If the employee wishes to appeal the decision of the city administrator, he shall so transmit in writing his appeal to the city council. (1975 Code, § 1-822)

4-324. Grievance procedure. It shall be the policy of the city, insofar as possible, to prevent the occurrence of grievances and to deal promptly with those that occur. When any grievance comes or is directed to the attention of any supervisory employee of the city, the supervisor shall discuss within two (2) working days all relevant circumstances with the employee and remove the causes of the grievances to the extent that he deems advisable and possesses authority. Failing resolution at this level, the grievance shall be carried to higher authority within five (5) working days, and if necessary, to and including the department head, until a satisfactory solution has been reached or authority to deal with the situation has been exhausted.

Grievances which cannot be resolved at the supervisory or intermedial level shall be brought to the attention of the city administrator so that he may have an opportunity to resolve the grievance in question. The city administrator shall have final authority to settle all employee grievances, except those which involve a suspension, demotion or dismissal. If, after all of the foregoing steps are exhausted, the employee is still aggrieved, he may appeal same to the city council within ten (10) days of the city administrator's disposition of the matter, which council shall have final authority on the matter. (1975 Code, § 1-823)

4-325. Basic training. It shall be the policy of the city to provide basic training for all employees in the areas where it is necessary prior to the employee's entering into work. (1975 Code, § 1-824)

4-326. In-service training. It will be the responsibility of the city administrator to foster and promote in-service training of employees for the purpose of improving the quality of personnel service rendered to the city and to assist employees to equip themselves for advancement in the service. The city administrator shall establish standards for training programs; see that training is carried out as approved; prepare certificates or other forms for recognition to persons who satisfactorily complete approved courses and programs; provide assistance to department heads in developing and conducting training to meet the specific needs of their departments; and develop supervisory and management training and other types of training programs common to all departments. (1975 Code, § 1-825)

4-327. Employee evaluation. Each regular employee shall periodically receive a written evaluation of his work by his immediate supervisor. Probationary employees will receive an evaluation at the end of the probationary period. Regular employees shall receive a performance evaluation annually, on the date of the anniversary of their termination of probationary status.

Employee performance evaluation shall be used to assist in the awarding of merit pay increases, to assist in choosing employees for promotion, and to determine lay-off implementation when two or more employees are basically qualified to fill one position. The evaluations will also be used in consideration of disciplinary action to employees.

Each employee shall have the opportunity to review every evaluation made of him. Upon a review of the evaluation, the employee shall note in writing that the evaluation is agreeable or disagreeable, and, if disagreeable, in what respects it is disagreeable. (1975 Code, § 1-826)

4-328. Retirement. City employees shall retire when unable to demonstrate that the employee is mentally and/or physically able to perform the essential functions of the job which he/she is normally assigned to perform, unless otherwise provided by federal and state law. (Ord. #583, Sept. 1997)

4-329. Records and reports. Personnel records, except examinations, service rating reports, personnel histories, and such other records as may be specified in these rules or by action of the city administrator as confidential, shall be public records and shall be open for public inspection during office hours and reasonable times in accordance with such procedures as may be prescribed. The city administrator, or his designated representative, shall retain records necessary to the proper administration of the personnel system.

The city administrator shall prescribe necessary forms and reports for all necessary personnel changes and actions. (1975 Code, § 1-828)

4-330. Status of present employees. Any person holding a position included in the classified service who, on the date that this chapter becomes operational, shall have served continuously in such position, or in some other position in the classified service, for a period of six (6) months (uniformed police and fire personnel shall serve one (1) year) shall assume regular status in the classified service in the position held on such effective date without qualifying test, and shall thereafter be subject in all respects to the provisions of this personnel chapter. Other persons holding positions in the classified service shall be regarded as probationers and may be certified in the same manner when they satisfactorily complete the regular work test period from the date of original appointment. (1975 Code, § 1-829)

4-331. Care of equipment. All employees of the city are to properly care for city owned equipment assigned to them. Abuse, misuse, or apathy toward city owned equipment will not be tolerated. Theft of city owned equipment will not be tolerated. (Ord. #584, Sept. 1997)

4-332. Reporting of status of driver's license. (1) Every employee, who is required to have a valid Tennessee driver's license, is required to inform his immediate supervisor, in the event of a violation that either results in, or might potentially result in, the loss or change in status of his/her driver's license. The employee shall report the violation no later than the next working day after the violation.

(2) Employees who are required to possess a valid Tennessee driver's license include:

(a) All police department employees who are required to drive or operate a vehicle for the city.

(b) All fire department employees who are required to drive or operate a vehicle for the city.

(c) All street and sanitation department employees who are required to drive or operate a vehicle for the city.

(d) All recreation department employees who are required to drive or operate a vehicle for the city.

(e) Any other employee of the city who drives equipment or vehicles in the performance of their job for the city. (Ord. #584, Sept. 1997)

4-333. Amendment of personnel rules. Amendments or revisions to these rules may be recommended for adoption by the city administrator, or by the city council of its own motion. Such amendments or revisions of these rules shall become effective upon approval by ordinance of the city council.

Should there be a conflict between this personnel chapter and the administrative rules of any department, the provisions of this chapter shall govern. All departmental regulations and rules as presently constituted or

hereinafter adopted, which are not in conflict with these rules shall be in effect. (1975 Code, § 1-830)

CHAPTER 4

WORKING ON PRIVATE PROPERTY

SECTION

4-401. Working on private property prohibited; exception.

4-402. Determination of public purpose.

4-401. Working on private property prohibited; exception. City employees are hereby prohibited from working on private property unless such work serves a public purpose. (Ord. #596, Jan. 1998)

4-402. Determination of public purpose. The mayor and city council authorize the city administrator and/or the director of streets and sanitation to determine the existence of a public purpose, and no other employee or official is authorized to make such determination. (Ord. #596, Jan. 1998)

CHAPTER 5

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

- 4-501. Establishment.
- 4-502. Program.
- 4-503. Title.
- 4-504. City administrator designated program director.
- 4-505. Program standards.
- 4-506. Effective date of plan.

4-501. Establishment. In compliance with Public Chapter 561 of the General Assembly of the State of Tennessee for the year 1972, the City of LaFollette hereby establishes the "Occupational Safety and Health Program" for its employees. (1975 Code, § 1-1501)

4-502. Program. There is hereby created a safety and health program for employees. (1975 Code, § 1-1502)

4-503. Title. This chapter shall be known as the "Occupational Safety and Health Program for the Employees of the City of LaFollette." (1975 Code, § 1-1502)

4-504. City administrator designated program director. The City of LaFollette hereby designates the city administrator hereinafter referred to as the "director," to establish a safety and health program in compliance with the requirements of the Tennessee Occupational Safety and Health Act of 1972 and he is hereby given the authority to implement a plan which shall encompass the issues and standards which have been promulgated by applicable state standards. (1975 Code, § 1-1502)

4-505. Program standards. This plan shall be at least as effective as the federal or state standards on the same issues and shall include the following:

- (1) The director or his authorized representatives shall have the right to enter at any reasonable time any establishment, construction site, plant or other area, workplace or environment where work is performed by employees of the City of LaFollette and to inspect and investigate any such place of employment and all pertinent conditions, processes, machines, devices, equipment and materials therein, and to question privately any supervisor or employee.

(2) The director may issue subpoenas to require the attendance and testimony of witnesses and the production of evidence under oath for the purpose of confirming or supplementing his findings.

(3) The director shall provide for education and training of personnel for the administration of the program, and he shall provide for the education and training of all employees of the city to the extent that same is necessary — for said employees to recognize and report safety and health problems as defined in the applicable standards.

(4) All employees shall be informed of the policies and the standards set forth by the Tennessee Occupational Safety and Health Act.

(5) All employees of the city shall be informed of safety hazards, exposure to toxic or harmful materials and imminent danger situations that may occur in their jobs.

(6) The director or his authorized representative shall upon any allegation of imminent danger immediately ascertain whether there is a reasonable basis for the complaint. He shall make a preliminary determination of whether or not the complaint appears to have merit. If such is the case he or his authorized representative shall take appropriate action to correct the situation.

(7) Any employee shall be given the right to participate in an investigation or inspection which involves a safety and/or health situation which concerns his work area.

(8) The director shall establish a safety and health training program designed to instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment.

(9) The director shall contact the Commissioner of Labor of the State of Tennessee by telephone in the event of the death of an employee involved in a work-related accident. This notification will be done as soon after the fatality as possible but not to exceed 48 hours.

(10) The director shall set up a procedure for requesting a variance from the Tennessee Department of Labor in the event an operation within the city does not meet the standards set by the Occupational Safety and Health Act and immediate action to alleviate the discrepancy is not possible.

(11) The director shall establish and maintain a system for collecting and reporting safety and health data required under the Tennessee Occupational Safety and Health Act.

(12) The director shall apply this program to employees of each administrative department, commission, board, division or other agency of the City of LaFollette.

(13) The director shall make an annual report to the Commissioner of Labor for the State of Tennessee showing the accomplishments and progress of the City of LaFollette in its Occupational Safety and Health Program.

(14) The director shall provide a means whereby any employee may submit a report of what he feels is a safety and/or health hazard to his

immediate supervisor and the director without fear of jeopardizing his job or chances for future promotion. Such reports shall be preserved and the action thereon shall be noted on said reports and signed by the director or his designees. (1975 Code, § 1-1502)

4-506. Effective date of plan. The plan upon its approval by the mayor and city council shall become effective for the City of LaFollette and at that time shall become a part of this chapter as fully and completely as if set out herein. (1975 Code, § 1-1503)

CHAPTER 6

WRITTEN HAZARD DETERMINATION PROGRAM

SECTION

4-601. Establishment and administration of program.

4-602. Evaluation of chemicals; used or produced, etc.

4-601. Establishment and administration of program. (1) A written hazard determination program is hereby established to evaluate chemicals used or produced by the City of LaFollette to determine if they are hazardous or not.

(2) The city administrator shall be responsible for the program.

(3) The fire chief shall be assigned to hazardous chemical evaluation.
(Ord. #592, Nov. 1997)

4-602. Evaluation of chemicals; used or produced, etc.

(1) For chemicals used Material Safety Data Sheets (MSDS) will be used to evaluate whether or not supplied chemicals are hazardous. Chemicals which are health hazards will be designated as such or listed in the hazardous ingredients section.

(2) For chemicals produced, such as intermediate products, welding fumes, carbon monoxide, and wood dust, MSDS's or equivalents will be produced internally or obtained from 1910 1200 Hazard Communication. (d) and (g).

(3) Chemicals for which there is scientifically valid evidence that it a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive are considered hazardous, and defined as physical hazards.

(4) Chemicals found in the following publications will automatically be considered as health hazards:

(a) 29 CFR 1910, Subpart Z. "Toxic and Hazardous Substances," (OSHA);

(b) "Threshold Limit Values and Biological Exposure Indices," (latest edition), American Conference of Governmental Industrial Hygienists (ACGIH); and for chemicals that are carcinogens or potential carcinogens.

(c) (i) National Toxicology Program (NTP), "Annual Report on Carcinogens," (latest edition);

(ii) International Agency for Research on Cancer (IARC), "Monographs," (latest edition);

(iii) 29 CFR 1910, Subpart Z, "Toxic and Hazardous Substances," Occupational Safety and Health Administrations.

(5) For other chemicals produced and/or used, statistically scientific evidence will be identified and evaluated in accordance with the criteria set forth in Appendices A and B of the Hazard Communication Standard. (Ord. #592, Nov. 1997)

CHAPTER 7

WRITTEN HAZARD COMMUNICATION PROGRAM

SECTION

4-701. Establishment of program.

4-702. Administration; communication and implementation.

4-701. Establishment of program. A written hazard communication program is hereby established to communicate information concerning the location, uses and dangers of hazardous chemicals to employees and citizens. (Ord. #593, Nov. 1997)

4-702. Administration; communication and implementation. The city administrator is responsible for the communication and implementation of the following requirements of the program to employees:

(1) Labels and other forms of warning. Labels and other forms of warning for each incoming hazardous chemical will be inspected for compliance with Section (f) of the Standard, and to insure that proper forms of warning are posted. For hazardous chemicals produced within the plant or workshop (such as carbon monoxide and welding products), warnings will be posted if the situation demands (a written justification).

(2) Material Safety Data Sheets (MSDS). MSDS for each hazardous chemical to which employees are or may be exposed, will be obtained and made readily available according to the requirements of Section (g) of the Standard. For new chemicals MSDS will be made available prior to use. For hazardous chemicals produced internally, a MSDS may be used or developed to satisfy the physical and health hazard communication requirements. All incoming MSDS will be checked for accuracy.

(3) Employee information and training. (a) Information and training as required by Section (h) will be provided to all employees at the time of initial assignment, whenever a new hazard is introduced into their work areas, or for any existing hazard.

(b) Required information will be obtained from sources which include those listed in Appendix C of the Standard.

(c) Employees will be trained to be able to recall fundamental health and physical hazards associated with the specific chemicals to which they are exposed.

(d) Training will utilize such aids and methods as recommended by TOSHA.

(4) Hazardous chemicals list. The hazardous chemicals list shall be based on a format recommended by TOSHA.

(5) Methods used to inform employees of the hazards of non-routine tasks. Employees involved in non-routine tasks (such as tank cleaning and

maintenance) will be informed of the hazards involved, and trained at specific training sessions so as to insure awareness of required information.

(6) Methods used to inform contractor employers. Contractors who may be exposed to hazardous chemicals will be informed both verbally and by means of an information sheet, as to hazards involved, at a meeting before any work is accomplished. (Ord. #593, Nov. 1997)